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Date of Deposit: August 31, 2005

Attorney Docket Number: 21465-508 UTIL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|              |  |            |                  |
|--------------|--|------------|------------------|
| APPLICANTS:  | Jan BERKA, <i>et al.</i>                 | EXAMINER:  | Not Yet Assigned |
| SERIAL NO.:  | 10/767,899                               | ART UNIT:  | 1645             |
| FILING DATE: | January 28, 2004                         | CONF. NO.: | 6163             |
| FOR:         | BEAD EMULSION NUCLEIC ACID AMPLIFICATION |            |                  |

## MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (3 pages), in duplicate;
3. Cited References B8-B31; C8-C49; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (212) 935-3000.

The Commissioner is authorized to charge any fees that may be due to the undersigned's account, Deposit Account No. **50-0311** Ref. No. **21465-508 UTIL**. Please address all correspondence to Customer No. **35437**. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Date: August 31, 2005



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Caryn DeHoratius, Reg. No. 45,881  
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## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby makes of record the documents listed on the attached modified Form PTO-1449 (submitted in duplicate) in the above-identified application, copies of which are submitted herewith. In accordance with MPEP §609(III)(A)(2), copies of the cited U.S. patents and U.S. publications are not required.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, for the above-identified application. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims. It is also respectfully requested that the Examiner initial, sign and date, and return a copy of the signed modified Form PTO-1449 with the next U.S. PTO communication, to evidence that the cited information has been fully considered by the U.S. Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

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The order of presentation of the references should not be construed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. **50-0311**, Reference No. **21465-508 UTIL**, Customer No. **35437**.

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| <b>SUPPLEMENTAL<br/>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) | Application Number     | 10/767,899       |
|  | Filing Date            | January 28, 2004 |
|  | First Named Inventor   | Berka            |
|  | Group Art Unit         | Not Yet Assigned |
|  | Examiner Name          | Not Yet Assigned |
|  | Attorney Docket Number | 21465-508 UTIL   |

| U.S. PATENT DOCUMENTS |          |                          |            |                                     |       |           |             |
|-----------------------|----------|--------------------------|------------|-------------------------------------|-------|-----------|-------------|
| Exam Initials         | Cite No. | U.S. Patent Document No. | Issue Date | Name of Patentee(s) or Applicant(s) | Class | Sub Class | Filing Date |
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|                       | A8       | 2001/0020011             | 09/06/01   | Mathiowitz et al.                   | 514   | 44        | 03/23/01    |
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|                          | B8       | EP                             | 0 579 347     | Ferring Arzneimittel GmbH            | January 19, 1994    | X <sup>a</sup> |    |
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<sup>a</sup> = English abstract provided.

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\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
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| <b>SUPPLEMENTAL<br/>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) | Application Number     | 10/767,899       |
|  | Filing Date            | January 28, 2004 |
|  | First Named Inventor   | Berka            |
|  | Group Art Unit         | Not Yet Assigned |
|  | Examiner Name          | Not Yet Assigned |
|  | Attorney Docket Number | 21465-508 UTIL   |

| U.S. PATENT DOCUMENTS |          |                          |            |                                     |       |           |             |
|-----------------------|----------|--------------------------|------------|-------------------------------------|-------|-----------|-------------|
| Exam Initials         | Cite No. | U.S. Patent Document No. | Issue Date | Name of Patentee(s) or Applicant(s) | Class | Sub Class | Filing Date |
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